At page 17 of the Manual under clause 25 (2) we see—

"Save as otherwise provided in the Rules or Standing Orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President."

An application was not made to the President for any such permission being given. So that, whatever may be the views of members and the views of the Chair with regard to abstract rights, there is no question in the agenda to ask.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): There are 600 questions.

DEPUTY PRESIDENT: Yes, I quite see. I am thankful to Mr. Asan for the information. There may be six hundred questions or more, but I am not concerned with that. The practice is that questions are set down to be answered on particular days. In the agenda for the day, there is no such list of questions. For these reasons, I rule that the Law Member is quite in order in making his motion. Whether the motion is to be allowed or not depends on the motion itself and I cannot anticipate him.

LEGISLATIVE BUSINESS.

THE TRAVANCORE FACTORIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to consolidate and amend the law regulating labour in factories. It has been published in the Gazette with a statement of objects and reasons and I now move that the Bill be read in the Assembly.

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that it is expedient and perhaps necessary that labour in factories and labour conditions in factories should be regulated by the State by special legislation has been accepted in all civilised countries. In Travancore, a law for this purpose was passed twenty-one years ago by the enactment of the Travancore Factories Regulation of 1089. That Regulation was modelled on the then British Indian Statute, Act XII of 1911, called the Indian Factories Act. That Act subsequently underwent many amendments between 1922 and 1931, by Acts II of 1922, IX of 1923, XXVI of 1926 and XIII of 1931. Quite recently, a very searching enquiry was made into labour conditions in India by a Royal Commission, commonly called the Whitley Commission. As a result of their recommendations, the Factory Statute of British India underwent very radical changes and the whole law was consolidated and enacted by a principal enactment called the Indian Factories Act of 1934. That Act was passed last year and it came into operation on the 1st of January this year.

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It may perhaps be presumed that factory labour conditions in Travancore are not very materially different from factory labour conditions in British India. In any event, British India and Travancore lie so contiguously that there is free intercourse between British India and Travancore, and it may be considered desirable in the interests of labour as well as in the interests of the industry that the Factory Law in Travancore should be made uniform with that in in British India. Movement amongst labour in Travancore for better conditions, for limitation of hours of work and the like is proceeding very rapidly. One of their contentions has been that the factory law in Travancore should be brought into line with that in British India. At an All-Travancore Labour Conference held recently, many resolutions were passed, one of which was that the Indian Factory Law should be enacted in Travancore on the very same lines as it is in British India. The Bill now placed before the House follows very closely the lines of the Indian Act. Although we passed a Factory Law in 1089 and although subsequently there were many amendments in British India, we have not been adopting those amendments; but now we are proposing to adopt the Indian Factory Law as passed recently in 1934. The present Bill therefore takes a very large stride in the matter.

The object of the Bill is, to put it generally, to secure only better conditions of labour in Travancore. But having regard to the actual provisions of the Bill, it is almost a leap - probably some members may consider it a leap in the dark—in any event it is a large stride that I am proposing. I think therefore that I had better explain the principle and provisions of the Bill at greater length than is usual at the introduction of such Bills.

Sir, the most far-reaching provision in this Bill is the limitation of the hours of work of factory labourers. At present, the law fixes no limit whatever as to the number of hours an adult male may be made to work in a factory, except in Textile Factories wherein an adult male may be employed for 12 hours in the day. In regard to women, it is laid down at present that she shall not be worked in any factory for more than 10 hours a day; and in regard to children it is laid down in Section 23 (C) that they shall not be worked for more than seven hours a day. These are all the provisions, in regard to the limitation of hours of work, in the Regulation as it stands at present. But, in the Bill now before the House, in Chapter IV, more stringent limitations are proposed for the hours of work of a worker. What is called a 54-hour week and a ten-hour day are proposed in the Bill. It is proposed that no adult worker, male or female, shall be allowed to work in any factory for more than 54 hours in a week or more than ten hours in one day. That may be seen from Clauses 34 and 36 of the Bill. An exception is made in the case of seasonal factories where what is called a sixty-hour week is allowed and an eleven-hour day is also permitted. This also may be seen from Clauses 34 and 36 of the Bill. Even where, for technical reasons, work has to be continuous, the weekly total hours of work cannot exceed 56 hours as

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may be seen from the proviso to Clause 34. A week will consist of six days, because it is provided that every worker must be given one day as a holiday in the week. Further, even during the period of daily work, an interval of rest has to be given. At present, in the Regulation that is now in force, it is half an hour that is provided for the interval for every six hours' work. In the Bill before the House, it is proposed to increase this interval of rest and it is proposed that the interval of rest should be one hour for every working period of six hours, as may be seen from Clause 37. But, the interval may be reduced to half an hour if each working period is five hours or less, provided that, if the total working period for a day is more than eight and a half hours, two such intervals must be given. This may be seen from Clause 37 (*c*) of the Bill. There is another special provision in the Bill for which there is no counterpart in the existing Regulation. There is a special provision that the total of the work period in the day, together with the intervals of rest, shall not spread over more than 13 hours in the day, as may be seen from Clause 38. This is designed to ensure that the hours of work and the periods of rest are so arranged that every worker gets a reasonably long period away from the factory and in perhaps more congenial surroundings.

Such in brief are the provisions to limit and restrict the period that an adult male may be made to work in factories. These provisions may be considered to be rather so general as to work hardship in some cases, and therefore a provision is made to enable Government to relax these restrictions in particular cases as may be seen from Clauses 43 and 44. It is provided, however, that Government, while granting exemptions, must fix the maximum amount of over-time that a worker may be allowed to work. And for over-time work, special payment has to be made. That is specially provided for in the Bill. In the existing law, there is no provision that any special payment should be made for any over-time work. But, according to the Bill, for over-time work in excess of the fifty-four hour week, except in seasonal factories, payment has to be made at the rate of one and quarter times the ordinary rate of pay, as may be seen from Clause 47 (2). For over-time work in excess of sixty hours a week in any factory or ten hours a day in non-seasonal factories, the worker is entitled to one and a half times the ordinary rate of pay. This may be seen from Clause 47 (1).

The provision in regard to hours of work for adult women is substantially the same as for adult men; and women are treated practically on the same lines in this respect and this is done in accordance with a special recommendation to that effect made by the Whitley Commission. It is stated by the Commission that if shorter hours of work are prescribed for adult women they may be driven out of labour and substituted with men.

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It is provided, however, that no woman shall be allowed to work in a factory except between 6 A. M. and 7 P. M., save in certain circumstances, and that, even under exemptions granted by Government, no woman can be allowed to work for more than 10 hours in a day.

Regarding the employment of children, very detailed provisions have been laid down. First of all, it is provided that no child below 12 years shall be allowed to work in a factory. The present Regulation prohibits the employment of children under 11 years of age. Now the prohibited age has been raised to 12. Under the existing Regulation, a child is defined as a person under 14 years of age. Now the age has been raised in the Bill to 15 years. Under the Bill, no child can be allowed to work in a factory for more than 5 hours in a day. Under the present law, the limit is 7 hours a day; in Textile Factories, the child may work for 6 hours a day and in other factories for 7 hours a day. It is now proposed in the Bill to reduce the perird to 5 hours a day uniformly in all factories. In the case of adults, the period of spread-over proposed is 13½ hours; and in the case of children, it is 9½ hours. Again, it has been provided that no child shall be allowed to work except between 6 A. M. and 7 P. M. save under exceptional circumstances which may be laid down by Government. This may be seen from Clause 54. A child also will have a weekly holiday.

Again, under the Bill, no man or woman or child will be allowed to work in more than one factory in the same day. If they are allowed to work in other factories also in the same day, it may not be possible to find out for how many hours a person had been working in any day.

In the case of young persons, a special provision is proposed, to which I should draw attention. Even if a child is above 12 years of age, he will not be allowed to work unless he is medically certified to be fit for work. That is provided for in Clauses 51 and 52. If he is below 17—a person between 15 and 17 is called an adolescent—he will not be allowed to work in any factory unless and until he is medically certified to be fit for work. If a Medical Officer finds that, even though a person may be adolescent, he is not physically developed, he may be certified as fit for only a child's work. If he is unfit for child's work he will not be allowed to work at all. This is provided for in Clause 53. These provisions may sound rather stringent. They are, however, made in the interests of the growing citizens of the State.

These are the provisions in regard to the limitation of hours of work, and these constitute the most important proposals in the Bill, and what may perhaps be called the most drastic changes to be made in the present law.

I must next invite the attention of the House to the establishments in regard to which this law would operate. That depends upon the connotation to be given to the term 'factories'. Under the existing law, a 'factory' means a place where manufacture is carried on with the aid of power-steam, mechanical, water or electrical power, and wherein 50 or more persons are simultaneously employed in a day

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This may be seen from Sections 2 (3) and 3 (1) (*e*) of the Regulation. But Government may extend the Regulation to any factory by special order even if only less than 50 persons are employed, provided that 20 or more persons are employed simultaneously in a day. But even in such cases the institution or establishment to which the law is applied must be a *factory* as defined in the Regulation, which necessarily implies that the manufacturing process therein is carried on with the aid of power. Under the proposed Bill, 'factory' is defined as a place wherein 20 or more workers are working or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on with the aid of power. It is not necessary that the 20 or more persons should be employed *simultaneously* in a day.

MR. K. C. KARUNAKARAN (*Nominated*): Suppose in a place 20 or more people are employed. Will that be a factory?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the manufacture is carried on with the aid of power, that will be a factory.

MR. K. C. KARUNAKARAN (*Nominated*): Suppose, in a factory without the aid of power 100 people are employed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will not be a factory as defined in the Bill.

MR. K. C. KARUNAKARAN (*Nominated*): Can the Government declare it as a factory?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, Government can declare it a factory. I will come to that presently.

A factory is defined as a place where manufacture is carried on with the aid of power, and where 20 or more persons are employed in one day. Under the present law, they must be employed *simultaneously*. But under the present Bill, they need not be employed simultaneously; it is enough if they are employed on the same day. That is the difference.

In response to Mr. Karunakaran's suggestion, I may say that there is a provision made in the Bill under which Government may declare any place where manufacture is carried on with or without power to be a factory even if 10 or more persons are employed therein. This is provided in Clause 5 (1). It reads as follows:—

> "Notwithstanding anything contained in Clause (*j*) of Section 2, Our Government may, by notification in Our Government Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Regulation".

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In contradistinction to this, I may draw the attention of the House to the existing provisions under which also Government have power to declare a place to be a factory. Under the present Regulation, it is necessary that the place must be a place where the manufacture is carried on with the aid of power if it should be declared a factory. If power is not used in the place, Government have no power to declare it to be a factory under the present Regulation. But under the proposed Bill, Government have power even though the manufacture is carried on without the aid of power and even though less than 20 persons are employed therein. Thus the law can be applied to almost all rooms or closed premises wherein more than 10 persons are employed.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): What is the definition under the British Indian Law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The same as this.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Has it been faithfully copied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know what the member means by the word 'faithfully'. It is substantially the same as the British Indian definition. As I said at the outset, the Bill attempts to make the law in Travancore uniform with that in British India.

MR. S. J. NAIR (*Nedumangad*): May I know whether it is not possible to have the Travancore Factories Bill, the Trade Unions Bill, the Trade Disputes Bill, and the Workmen's Compensation Bill, which are proposed to be introduced in the Assembly, brought in as one Bill?

DEPUTY PRESIDENT: It does not arise at this stage. This House knows only one Bill that is now before it.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether it is possible for him to see that the principles contained in the Factories Bill could be incorporated into the following Bills *viz.*, the Trade Unions Bill, the Trade Disputes Bill and Workmen's Compensation Bill?

DEPUTY PRESIDENT: That question being irrelevant, the Law Member need not answer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I was telling the House that, under the provisions of the Bill, any place may become a factory if 10 or more persons are engaged therein. And this Bill can be applied to the case of labour employed in such factories.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know whether this Bill will apply to the case of a factory which employs 20 persons for agricultural operations with the aid of power?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Agricultural operations will *prima facie* be different from manufacturing processes. I do not think the Bill includes agricultural operations.

MR. M. SIVATANU PILLAI (*Tovala*): Will it apply to Salt Factories?

MR. KAYALAM PARAVESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether there is any international convention regarding hours of labour?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, some resolutions have been passed in the international conferences. The most recent of these resolutions is one restricting hours of labour to 48 hours a week.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the object of this legislation is to prevent sweated labour?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be taken to be like that.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether a place where conversion of cocoanut fibre into yarn takes place can be called a factory?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): My own view is that it is a factory or can be declared a factory as a manufacturing process takes place.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the Law Member, whether manufacturing process is defined anywhere?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that is in Clause 2 (*g*) which reads as follows:—

"Manufacturing process" means any process—

(i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(ii) for pumping oil, water or sewage, or

(iii) for generating, transforming or transmitting power.

As I was saying, a wide extension can be given to the meaning of the word factory. The words "power" "manufacturing process" and "worker" are all accurately defined in this Bill.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will this Bill apply to a house where 20 or more cooks are engaged in connection with a feast?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir.

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MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): According to the definition of "factory" in this Bill, I do not think that it excludes the precincts where 20 or more than 20 labourers are working to prepare a feast.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If cooking is a manufacturing process, then, I think, it will be a factory according to the definition obtaining here. But power must be used in manufacture so that it may be a factory as defined; otherwise Government must declare it to be a factory.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member, is not heat energy a power?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Cooking may not be by the application of power.

Then, in regard to the provisions of the Bill to enforce the law, I may inform the members that they are practically the same as in the existing law. Inspectors are proposed to be appointed as before. But one change has been made in this respect *viz.*, provision is made for the appointment of a Chief Inspector of factories to guide and co-ordinate the work of the Inspectors under him.

There is another set of provisions in the Bill to which I may draw the attention of the House; and that is in regard to the welfare, safety and health of the labourers. Even now there are ample provisions to safeguard such interests. But these provisions have been enlarged in the present Bill. They are contained in Chapter II of the Bill. But I shall summarise them so that the House may easily have an idea of the same. In the first place, every factory is required to be kept clean by all possible methods such as lime-washing, disinfecting, etc. Every factory is required to be well ventilated and well lighted. The atmosphere therein must not be made too humid or allowed to remain too hot. The cooling properties of the air in any factory should not be insufficient. There must not be over-crowding which may be injurious to the health of the workers. For every factory, sufficient latrines and urinals shall be provided according to prescribed standards, for male workers and female workers separately, and they should be kept in clean and sanitary condition. A sufficient supply of water fit for drinking purposes should be provided at suitable places in a factory, and water should be provided also for washing where the workers may during the course of their work come into contact with injurious substances. Then in every factory the doors of each room should open outwards.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is the humidity of the air objected to only if it is a consequence of the manufacturing process?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it arises from the maunfacturing process, the humidity of the air is objectionable.

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Then precautions are required to be taken against accidents by fire; and easy means of escape in case of fire should be provided in every factory. It is also provided that dangerous places and dangerous machinery must be kept fenced. A factory building should not be faulty and be a source of danger. For the stability of the buildings and the strength of the machinery also, provisions are required to be made. Again, women and children must be kept back from dangerous places, and from hazardous operations. Special mention may be made of the fact that large factories, that is, those employing large number of workers, say, more than 150 people, may be required to provide shelter for the workers during periods of rest. They must provide rooms for the accommodation of women workers and children below 6 years of age when the women are employed in actual work. They are to be given a separate place so that they may be kept out of danger.

These are no doubt very large changes proposed in the law and may savour of drastic interference with the private relations and contracts of individual and individual, *viz.*, the employer and the employee; but they are necessary to ensure fair conditions for labour—a large community which is growing larger and larger every day. These changes are likely to involve sacrifice and cost both for the employer and the industry. But not merely will humane considerations induce the employers to accept this Bill, but even business considerations must induce them to do so, as increased efficiency may be expected of the workers working under the conditions proposed. It is stated by the Royal Commission on labour that "In the experience of India, there is abundant evidence to show that a generous policy in respect of labour is a wise policy in respect of industry". They add also, "It is not possible for India to secure a permanent advance for her industries at the expense of her labour".

Sir, I do not want to deal with all the provisions of the Bill, but I think I have dealt with the provisions which effect fundamental changes in the existing law. I trust that the Bill will prove acceptable.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the Law Member can give us an approximate idea of the number of labourers working in factories in Travancore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On that point perhaps our statistics are rather defective. According to the last census, there are 24,511 factory workers.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it on the basis of the definition of the factory as defined in this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is on the basis of factory as then understood, I think. In the Census Report, the expression "factory" has a very much wider significance. Any place where manufacture takes place can be labelled as a factory if three or more persons are employed therein.

As regards the number of factories, the latest statistics volume puts it at 155 of which 23 are in Alleppey, 15 in Quilon, 47 in Peermade, 37 in Devicolam, and 13 in all the other places together.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): To which place please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heal Sirkar Vakil*) All the other places.

The number of employers as given in the statistics volume is 15,732, of whom 13,633 are males.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): May I know whether statistical information was collected before this Bill was drafted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) No.

MR. M. SIVATANU PILLAI (*Tovala*): Then, may I know whether i will not be a real drastic change to introduce 48 hours per week instead of an unreal change to have 60 hours a week?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heal Sirkar Vakil*): I am not agreeable to the introduction of the 48-hour week.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the reason why?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heal Sirkar Vakil*): For one thing, that has not been accepted by other Nations.

MR. M. SIVATANU PILLAI (*Tovala*): May I know, will it not be in the interest of the labourers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heal Sirkar Vakil*): I am not sure of it. Perhaps, the employers may reduce the wages.

MR. M. SIVATANU PILLAI (*Tovala*). In view of the changing climatic conditions of India, will it not be more in the interest of the labourers to incorporate 48 hours per week?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be. But there must be people to engage them and pay the same wages.

MR. M. SIVATANU PILLAI (*Tovala*): Cannot legislation bring such wholesome improvements between the employer and the employee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All that depends on various circumstances. As I said, in the neighbouring provinces in British India, 54-hour week has been adopted and it is wise that Travancore falls into line with that.

MR. M. SIVATANU PILLAI (*Tovala*): Is it on the basis of the same interest that is obtaining between the employer and employee in British India or *vice versa*?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Travancore should consider the welfare of the labourers in Travancore and British India must do the same as regards British India labourers.

DEPUTY PRESIDENT: I think, the member meant similar interest?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I presume the conditions are similar.

MR K. R. ELENKATH (*Kalkulam I*): May I know whether Government invited the opinion of the Trade Unions in this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They did not. In the All-Travancore Labour Conference that was held in Alleppey some six months ago, a resolution was passed that a law exactly on the lines of the Factories Act in British India must be passed here. That is one point. Another point is that labourers in British India may migrate to Travancore if similar conditions are not prevailing in Travancore; conditions in Travancore must be made similar to those in British India.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether the Law Member considers it a propriety to co-opt a labour member in connection with the consideration of the Bill now under discussion?

DEPUTY PRESIDENT: We are discussing the principle of the Bill and you are suggesting a *modus operandi*.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): In view of the fact that a similar respresentation was made to the Government recently, may I know whether he considers it a propriety for co-opting a labour member to be present at the discussion?

DEPUTY PRESIDENT: Strictly that does not arise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But the difficulty will be in determining who is a labour member and who is not. Mr. Kunjukrishna Pillai who presided at the Alleppey Conference.—

MR. A. THANU PILLAI (*Trivandrum-Rural*): Which Kunjukrishna Pillai please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Kottur. He presided at the last All-Travancore Labour Conference at Alleppey, at which the resolution was passed.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is the member aware that there are recognised Labour Associations in Travancore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There may be.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there any fear that wages will be reduced in consequence of this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It might possibly be that the employers may think of reducing the wages. But a wise employer—that is what is expected will think that the labourers working under these conditions will have increased efficiency and that he may therefore afford to pay the same wages. That

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is why I read the observations of the Royal Commission on Labour in India :—

"In the experience in India there is abundant evidence to show that a generous policy in respect of labour is a wise policy in respect of industry.'

"It is not possible for India to secure a permanent advance for her industries at the expense of her labour".

From the point of view of the industry, it may not be possible to get real advance unless labour is put on a prosperous condition. Unless both the labour and the industry are put on a sound footing, we cannot expect a substantial permanent advance in the industry of the country. This is the view that has been taken elsewhere, and that is not wrong.

MR. K. R. ELENKATH (*Kalkulam 1*): May I know whether the member has any objection to introduce a clause whereby a restriction on wages may be effected ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have objection to that, so far as this Bill is concerned. This Bill is intended to regulate the conditions of labour in factories. I do not think that this should be complicated with the complicated question of the fixing of wages or payment of wages. That must be dealt with separately, in a separate Bill.

MR S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, before we proceed to the discussion of this Bill, I wish to point out that we feel really handicapped in discussing the principles of this Bill. Copies of the Bill were made available to the members only this morning and the Bill itself was published in the Gazette only on the 15th July, *i. e.*, a few days ago. We have not had any time to study the provisions of the Bill (Mr. P. K. Narayana Pillai, *Hear, hear*).

DEPUTY PRESIDENT: There is considerable force in what Mr. Karayalar has said. But when the House has once permitted Mr Kayalam Paramesvaran Pillai to move the Bill and explain the provisions contained therein, it may not be proper to say that the discussion may not take place.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Under the Standing Orders, we are entitled to raise the question only at this stage and I could not have raised it earliar.

DEPUTY PRESIDENT: So you say that the Bill should not be considered now ?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): The consideration may be adjourned and I move that the discussion may stand over and be taken up some time later.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I can perfectly appreciate Mr. Karayalar's argument that he got copies of the Bill only this morning and as such he had not sufficient time to study its provisions as carefully as he would have liked to in an important measure of this kind. But on the other hand, I may say that the Bill may perhaps be considered to be an urgent

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[Mr. Kayalam Paramesvaran Pillai.]

measure in view of recent developements in the country and that we should proceed with the consideration of this Bill forthwith. But I am entirely in the hands of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The motion has not been seconded.

DEPUTY PRESIDENT: It is not a regular motion.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): While of course I have to leave the matter in the hands of the House, personally I am not agreeable to accept the proposal of Mr. Karayalar.

DEPUTY PRESIDENT: A suggestion has been made and an answer has been given. Mr. Karunakaran may now proceed.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, we are now going to consider a serious piece of legislation which is of paramount importance both to the employees and employers of this country.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I rise to a point of order. A motion for adjournment is before the House and before that is decided, I wish to know whether it is profitable to go on with the discussion of the Bill.

DEPUTY PRESIDENT: It was only a suggestion. Mr. Karayalar made a suggestion and I said in unmistakable terms and it was repeated more than once that I left it to the sense of the House. And when every member was silent I called upon Mr. Karunakaran to speak and when he is in possession of the House there is an attempt made to convert that suggestion into an adjournment motion. I am not prepared to allow that. Mr. Karunakaran may proceed.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, we are considering a series of industrial legislations affecting the position of the employers and employees without their representatives being sufficiently represented. To me it appears that this legislation can be compared in importance and magnitude to any social legislation which has been passed in the Legislature of this State. In social legislation, we are concerned only with one community. But in an industrial legislation we are concerned with an economic community the maintenance of and interests of which directly concern the welfare of the people and the State. In other progressive countries, legislation is being enacted mainly for the majority in which the interests of the minority are safeguarded. But here we are going to legislate for a very small minority of the State whom we call the industrial labourers.

MR. A. THANU PILLAI (*Trivandrum-Rural*): As between the employers and the employees, may I know who are the majority and who are the minority?

MR. K. C. KARUNAKARAN (*Nominated*): I do not mean distinction between the employer and the employee here.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he considers all who are not agricultural labourers as employees? Is that his position?

MR. K. C. KARUNAKARAN (*Nominated*): I shall not use the word labourer.

My first point is that after seeing the working of the industrial legislation in various countries when we are going to enact industrial legislation, it should be, as far as possible, wide and bring under it the whole labour of the State. I know the agricultural labour is not included in the existing British Indian legislation. But in England agricultural labour has been brought into operation in some of the important industrial legislations. So my first point, after reading these Acts, is that the contemplated legislation is not quite efficient and wide and, as far as possible, Government should try to bring the whole labour of the country under one legislation.

Another point is that specially in regard to labour legislation the principle that should guide the Government is that the economic position of the State is not hindered by any legal interference. The very sentence "Factory labour conditions in Travancore are not materially different from those in British India" occurring in the Statement of Objects and Reasons strengthens my point very much. Anybody, even a casual observer if he goes to big cities like Bombay Ahmedabad, Calcutta and Madras where industrial labour is carried on on a large scale, will see that the conditions are materially different from here. But I do not know what prompted the Law Member to put this sentence. Perhaps he might have thought that, as the time left for the members to study the Bill is very limited, they would not go through the Statement of Objects and Reasons. But that is not the case. The fact is that our industrial conditions differ very much from those of British India.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's opinion that the difference in the labour conditions between Travancore and British India is not so great as the difference between the labour conditions in Travancore and England?

MR. K. C. KARUNAKARAN (*Nominated*): I did not say that. I wanted the whole labour of the country to be embodied in one Bill. I never compared the difference between the conditions existing in Travancore and British India as between those of Travancore and England.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Because the whole labour did not come under one legislation?

DEPUTY PRESIDENT: That is cross-examining.

MR. K. C. KARUNAKARAN (*Nominated*): There are countries where agricultural legislation is brought into line with industrial legislation.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether, apart from the question of wages, agricultural labourers are not working in a better condition than the industrial labourers?

MR. K. C. KARUNAKARAN (*Nominated*): There are some places in Travancore where their condition is not as good as that of the industrial labourers?

The whole question was considered in full at the Economic Development Board and there it was discussed throughly when it was presided over by Dr. Kunjan Pillai. We suggested that, unless a survey of the industrial condition of Travancore is taken, it is not wise to recommend any of the recommendations of the Whitley Commission to the Government for adopting. So we gave up that idea.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is it the member's view that the present Bill is premature?

MR. K. C. KARUNAKARAN (*Nominated*): No, I never said that. I quite welcome the Bill. What I mean is that this legislation has been brought here now without any basis.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): May I know whether there was any representative of the labour on the Economic Development Board?

MR. K. C. KARUNAKARAN (*Nominated*): Yes, the President of the Labour Association, Mr. P. S. Mahommad, was there. In fact, it was he who brought up the matter to the notice of the Board.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he was on the Board in his capacity as the President of the Labour Association.

DEPUTY PRESIDENT: That question does not arise.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): May I know Mr. P. S. Mahomed's opinion?

MR. K. C. KARUNAKARAN (*Nominated*): It was he who brought up the matter to the notice of the Board. Dr. Kunjan Pillai was the President and we suggested that it would not be wise to recommend, without enough facts and figures, any of the recommendations of the Whitely Commission to be incorporated into our legislation.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether labour in Travancore has got an organised existence?

MR. K. C. KARUNAKARAN (*Nominated*): No.

Sir, the Law Member was telling the House about the Whitely Commission Report. Recently, Mr. Giri, a British Indian Labour leader, put a question in the last Assembly. He asked—

> "Do the Government propose to introduce legislation amending the Trade Disputes Acts before the next session of the Assembly in the light of the recommendations made by the Whitley Commission?"

Sir. Frank Noyce replied in the negative.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What was the recommendation of the Whitley Commission that he wanted to carry out?

MR. K. C. KARUNAKARAN (*Nominated*): To bring into uniformity the British Indian Trade Act with that of the English Act where more privileges are given. Mr Whitley is not a small man.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I question it. Was the recommendation of the Commission to bring the British Indian Trade Disputes Act into line with the British Trade Disputes Act?

MR. K. C. KARUNAKARAN (*Nominated*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I question it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether there was a proposal by Government to appoint a Committee to make enquiries into the conditions of work in factories? Has Government carried out that proposal?

MR. K. C. KARUNAKARAN (*Nominated*): No. When Mr. P. S. Mahommad brought this suggestion to the Economic Development Board, we all unanimously said that an enquiry into the industrial conditions of the country should be taken before we suggest any recommendations to the Government.

MR. M. SIVATANU PILLAI (*Tovala*): May I know in which capacity Mr. P. S. Mahomed represented on the Board?

MR. K. C. KARUNAKARAN (*Nominated*): I have answered it.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whom the member refers to as Mr. Whitley. Is he the speaker of the House of Commons?

DEPUTY PRESIDENT: I do not propose to allow the question. Mr. Whitley's doings in a particular field of labour will be useful. But he may be a Speaker without knowing anything about labour.

MR. M. SIVATANU PILLAI (*Tovala*): I ask for information, Sir.

MR. K. C. KARUNAKARAN (*Nominated*): Then the Economic Development Board recommended to Government to have a Committee appointed to go into these industrial and labour questions. The question was taken up in one of the Legislative Councils and the Government did appoint a Committee to go into the labour and industrial questions, but subsequently, I do not know why, the Committee was dropped. That is the situation.

What I was going to say here, Sir, was this. I put a question to the Government member and he replied in the negative. I think the Government of India had all the materials in their possession: still they were not prepared to go any further than the present Act.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, may I know from the member whether labour conditions in Travancore are fundamentally different from the labour conditions in British India?

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DEPUTY PRESIDENT: You want to know "are there fundamental differences or are there not fundamental differences" ?

MR. K. C. KARUNARARAN (*Nominated*): The conditions are fundamentally different.

Sir, if the House allows me, I can explain how the labourer is being treated in the big British Indian Factories. Take, for instance, the biggest Jute Mill in the East in Serampore. I was living in Serampore for over two years and I know something of the conditions of labour of about 5,000 people. When the labourers there are recruited. they leave their houses, they leave their comrades, they leave their children and go up to Serampore where they live in lines. They are put up in small dingy houses, five or six of them put up in each house and they live there.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether the conditions in the Tea Factories in Travancore are the same?

MR: K. C. KARNAKARAN (*Nominated*): Almost the same, I think.

MR. M. SIVATANU PILLAI (*Tovala*): I am asking of the Tea Factories attached to the Tea Estates ?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it a fact that all these labourers in the Tea Estates are Tamil labourers ?

MR. K. C. KARUNAKARAN (*Nominated*): Mostly they are.

MR. M. SIVATANU PILLAI (*Tovala*): Am I to understand from the member that non-Tamilians are not good labourers ?

MR. K. C. KARUNAKARAN (*Nominated*): That is what is practically seen it has come to.

DEPUTY PRESIDENT: The Tamilians were an enterprising people two thousand or three thousand years ago.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, these questions are not surprising to me.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are there many Tamil labourers in Bombay ;

MR. K. C. KARUNAKARAN (*Nominated*): Yes, there are. I know Bombay very well.

Now I come to another point relating to the British Indian industries, Bombay and Ahmedabad are two big industrial centres of the whole Presidency especially in respect of cotton. The industrial concerns there are run by machinery and big capitals are invested. Coming to Cawnpore, we see both cotton and leather factories all being worked by machinery and with power. Coming to Bengal, you see the Jute Factories all worked by mechanical power and machinery. Now anybody who tries to study the industrial problem in our State will find that the most outstanding feature here is that from cottage industries onwards the work is generally done by manual labour. That is a very important point which we have to remember.

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There is another important thing to be borne in mind. In England, where cotton industry is put under textile industry, they are running the factories by machineries. To work about ten factories in England, by mechanical power, it requires only two people for every five looms of each factory to supervise the work. On the other hand, for the same industry of Travancore, Sir, in Alleppey, if anybody cares to run ten loom, he wants at least about fifty people per loom including all stages. Before any legislation is enacted with regard to any factory, the legislator must see to the economic unit of that industry, what efficiency unit will enable an employer who invests his money, who invests his brain, to get out of it, whether he will be able to get, a living wage. That aspect, a legislator, a sensible legislator, with economic sanity, must consider before he tries to enact any industrial legislation. Sir, in an economic unit or the efficiency unit in the coir industry, I will put a factory with twenty looms. For twenty looms, you want on an average two weavers per loom, that is, forty weavers. Then you have to provide for other items, and on the whole, it will come to about 75 people per factory. These industries are being worked as cottage industries spread over from Ambalapuzha to Aroor; thanks to the wisdom of Mr. Watts for opening the Shertala-Aroor road. If the definition of a factory is going to be retained as it is, it will be suicidal to the industries in the State as was said by the leader of the party and I am sure all these factories will be closed the next day this piece of legislation comes into operation.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the actual bearing of these facts on the Bill?

DEPUTY PRESIDENT: That question is not fair either to the member or to the Chair.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I put the question solely with a view to understand how these facts affect the provisions of this Bill.

DEPUTY PRESIDENT: The question is whether the member is able to understand the logic of the argument. If he does not see the logic, he need not ask the question. One member cannot restrain the liberty of another member from speaking because the former is not able to understand. Mr. Karunakaran may proceed.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member what the member meant to suggest when he made the statement that, even though there are recommendations by the Whitley Commission, the British Indian Government did not move in the matter.

MR. K. C. KARUNAKARAN (*Nominated*): I put before the House a fact. The member can have his own conclusion.

MR. M. SIVATANU PILLAI (*Tovala*): Did he mean any suggestion by that point?

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DEPUTY PRESIDENT : Mr. Karunakaran is now developing another point.

MR. K. C. KARUNAKARAN (*Nominated*) : Sir, when the Law Member was developing his point, I put a very important question as to whether the conversion of fibre into coir yarn is a manufacturing process or not. The other day one of the leading papers in Trivandrum wrote an editorial about coir factory and they pointed out that a lakh and fifty thousand souls are directly depending upon this industry and that Government should take every step in regard to the tariff value, restriction and the licensing system adopted by foreign countries. I asked the Government to watch all these things and take this figure of one lakh and fifty thousand souls who are depending upon the coir yarn industry. I asked the Law Member what is the efficiency unit of the coir yarn industry. By efficiency unit I meant a unit the working of which will enable a man, who invests his brain and money to eke out a decent living. That is what I meant by economic efficiency. Whether the Law Member has studied that aspect of the problem and whether he has studied the economic consequences arising out of this definition of a factory here is doubtful.

MR. M. SIVATANU PILLAI (*Tovala*): Is power utilised in such industries ?

MR. K. C. KARUNAKARAN (*Nominated*) : I made it clear from the Law Member that any place where twenty people or more are employed can be brought under the definition of a factory by executive order, if the Government wish to do so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I correct the member ? It should be declared by Government to be a factory.

MR. K. C. KARUNAKARAN (*Nominated*): I can understand the meaning of the declaration by Government ; I can very well understand.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I take from the member that the figure one lakh and fifty-thousand is correct?

MR. K. C. KARUNAKARAN (*Nominated*) : I got this figure from my friend Mr. Kunjukrishna Pillai who has studied this question very carefully.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does the member think that it is correct ?

MR. K. C. KARUNAKARAN (*Nominated*) : To me it seems small ; it must be more.

MR. M SIVATANU PILLAI (*Tovala*) : May I know whether the member has any objection to leave the power to Government to declare a place of industry as a factory ?

MR. K. C. KARUNAKARAN (*Nominated*) : I have great objection.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know why the member has got great objection ?

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DEPUTY PRESIDENT : I leave it to the member to give such explanation as he thinks fit Mr. Karunakaran has answered Mr. Sivatanu Pillai's question. The invitation for an explanation may be responded to by Mr. Karunakaran according to his discretion.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, another point of difference between the industrial and labour conditions in British India and those of Travancore comes to my mind. Sir, taking the Presidency of Bombay, we will see that the industries are confined to certain places. The cotton industry is confined to Ahmedabad and Bombay. Take again Bengal. The Jute Industry is confined to Serampore and adjacent places. Take South India: the cotton industry is confined to Tuticorin, Ambasamudram and Madras. But, Sir, the various industries in our State are spread in one form or other from Cape Comorin to Parur. That is a great difference between the industry of British India and the industry of Travancore.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member whether there are not cottage industries in British India similar to the coir industry in Travancore?

MR. K. C. KARUNAKARAN (*Nominated*): Not to such an extent.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): But, "are there" is the question.

MR. K. C. KARUNAKARAN (*Nominated*): There may be coir industry in Malabar.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether the Factories Act in British India has affected such industries?

MR. K. C. KARUNAKARAN (*Nominated*): I am not going to that aspect of the matter.

But I emphasise so much on these points in this House because this legislation will affect our cottage industries and because to-day not only Mahatma Gandhi's India but the whole world is trying to go back to the cottage system of industries for doing away with the present economic evils. If my leader's intention is to apply this legislation in such a way as to bring these cottage industries within its operation, I can only quote again the sentences that I have already said in reply to his question.

I also maintain, Sir, that with the new reforms that we are going to effect in the Co-operative Department, the co-operators in the State will have to go more and more to the productive side of the various industries. These cottage industries are so far confined to the co-operative credit of the State but now they are to keep them alive. If this legislation brings these cottage industries also within its operations, this will also affect a number of sincere honest co-operators who have already come into the field to develop this aspect of the great co-operative movement.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I know from the member whether his objection relates only to Government's taking the power to declare any place to be a factory even though power is not used there in aid of manufacture?

MR. K. C. KARUNAKARAN (*Nominated*) : To put it in a nut-shell, I have no objecton whether power of any type is used. But I have got serious objection in declaring a factory on the basis of the number of people employed there. If you want factories to be declared on the basis of men, women and children employed, I should say, Sir, that the basis must be 75 or 100 people.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the member whether, if this Bill is made in such a way as not to affect the Coir Industry, the member will have any objection?

MR. K. C. KARUNAKARAN (*Nominated*) : What about the tapping industry?

MR. M. SIVATANU PILLAI (*Tovala*) : I want only the member's answer.

MR. K. C KARUNAKARAN (*Nominated*) : Sir, I take interest in these legislations because I am a student of Industrial Law for the last many years and I know how our industries will be affected.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) . May I know from the member, if I am not interrupting, whether, if the definition of the factory is put as the member suggests, he will object, to the limitation of the hours of work and other conditions?

MR. K. C. KARUNAKARAN (*Nominated*) : Never. I am prepared to bring the hours of work down to 48; that is, I am willing to accept a 48-hour week.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know from the member whether he has got any objection to limit the number of hours of work in case of factories where power is not used?

MR. K. C. KARUNAKARAN (*Nominated*) : Sir, there is a plain answer to that question. If you ask that question, I would ask you to go to any student of Industrial Law and study from him the answer to this question. If you can find out that answer—

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : May I know from the member whether a particular Industry can be an additional burden by depending upon a factory that uses power?

MR. K. C. KARUNAKARAN (*Nominated*) : It depends upon the ability of the men that run the business, ability of men to find new markets and the new organisations and new advertising agencies and efficient methods of production, management and selling.

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RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : May I know whether it is the member's opinion that interests of labour are sufficiently protected in factories where power is not used at present ?

MR. K. C. KARUNAKARAN (*Nominated*) : I think so, Sir, according to the existing circumstances and actual facts.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Do you bring the same objection in the case of tapping industry also ?

MR. K. C. KARUNAKARAN (*Nominated*) : Certainly. Suppose a contractor engages 21 people to tap cocoanut trees. According to the definition, it directly affects the unit of that industry.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Government are only taking a power for enabling a declaration to be made.

MR. K. C. KARUNAKARAN (*Nominated*) : I want that to be definitely put in the Regulation. I do not want to give that power to Government.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member why the member objects seriously about that ?

DEPUTY PRESIDENT : He has explained already. Further reasons need not be given. He has given a definite answer.

MR. K. C. KARUNAKARAN (*Nominated*) : Sir, generally and broadly speaking, I do agree to the principle underlying this Bill for the factory legislation. I must give you this thing which to a certain extent is confidential. When the so-called labour leaders were making all kinds of allegations against the employers of Alleppey and others, the employers representing the two Chambers of Commerce addressed the Government twice and requested them to make a judicial enquiry into those allegations saying that they were prepared to stand by the results of any such enquiry. They said that the whole books and all the accounts will be open to this enquiry. Sir, do not think for a moment that the employers as a class are against any kind of legislation on these lines. They are anxious to see a better living among the individuals whom they employ and in Alleppey, as elsewhere in Travancore generally, the relation between an employer and the employees is nothing but cordial. But the employers have got associations with enough funds to fight any opposition based simply upon baseless allegations. But now they welcome these legislations that will give an opportunity to have collective bargaining between two associations recognised legally by Government. So, I do not hesitate to say, Sir, that the industry in which I am interested welcomes these legislations. But the legislation must not be one-sided ; it must be based on actual facts.

So we cannot leave these things to the executive power of a Government. Without studying the industrial position of even Trivandrum where the Law Member lives, how can he bring in a legislation affecting the whole industry and the labour position of the State

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[Mr. K. C. Karunakaran.]

saying that such a position was taken up by British India and other countries? Sir, I have studied the industrial law very well, and I have been studying it even now. I know how that law operates in Australia, in Germany and in British India and other industrialised countries of the world.

MR. K. R. ELENKATH (*Kalkulam I*): Sir,—

DEPUTY PRESIDENT: Order, order.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether the study of industrial law enables one to exactly find out the local conditions of industry?

MR. K. C. KARUNAKARAN (*Nominated*): Perhaps my friend does not know the profession I am today following. Sir, I am speaking about Mr. Whitley. He is one of the most outstanding figures—

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member what were the views of Mr. Whitley on the industrial position of Travancore?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether there is any objection to pass a law on the lines made by the Whitley Commission Report?

MR. K. C. KARUNAKARAN (*Nominated*): I have got serious objection.

DEPUTY PRESIDENT: In the first place, the member cannot pass a law.

MR. K. C. KARUNAKARN (*Nominated*): Mr. Whitley is an authority on British labour legislation. He made certain recommendations in his report in regard to British Indian labour. He is a practical man. Even the Industrial Councils of England are named after him. Before he made those recommendations, he made a thorough enquiry into the existing industrial and labour conditions of British India. Here our Law Member brings forward labour legislation without any facts, without any figures, without any foundation and without any basis, to be enacted.

Sir, I now come to the conclusion. I have absolutely no objection in referring this Bill to a Select Committee.

DEPUTY PRESIDENT: The question of a Select Committee arises only at a later stage.

MR. K. C KARUNAKARAN (*Nominated*): Before this Bill was brought to the Assembly, Government should have co-opted a member from the employers' side and another one from the labourers' side to consider and discuss its merits. They have not done so. In all the other social legislations, they have been very careful to adopt the principle of co-option, but here—

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether any one could better represent the cause of the employer than the member himself?

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MR. K. C. KARUNAKARAN (*Nominated*): There are better people than myself. Sir, this Bill and the following three Bills are co-related: and I request the learned Law Member to refer these Bills to *one* Select Committee and the Government should co-opt representatives of labour and of employers. The Select Committee should have all the necessary wide powers and the Committee should tour throughout the country and take evidence if necessary. I request the Law Member also to bear in mind those facts, to which I have already referred. We all know that Germany is one of the most industrialised countries in the world. They have got very up-to-date industrial legislation; but in their civil code there is a provision which is as follows:

> "The exercise of a right which can serve no purpose except inflicting injury on another is unlawful",

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At the risk of repetition, may I ask whether the member's objection is confined only to this one provision namely Clause 5? Is there anything else that he objects to?

MR. K. C. KARUNAKARAN (*Nominated*): I can answer this question only at a later stage of the Bill owing to reasons which are very clear and known to the House.

MR. K. KUNJKRISHNA PILLAI (*Quilon I*): Sir, I rise to support the principle of this Bill. The existing Factories Regulation in Travancore is in a most antideluvian stage and it is the only piece of legislation on labour in our country. And I never thought for a moment that wise employers will at this late hour object to a legislation which has had almost the voluntary and unanimous support of far-sighted employers in British India. Mr. H P. Mody who represents the employers and who is mindful of their interests as any employer in India and who knows his business very well and who knows the industrial law and everything connected with the labour very well, gave his consent to the passing of this amendment Bill in British India.

That fact was admitted by Sir Frank Noyce in his introductory speech when he introduced the Bill. And, even before the Bill came into force, there was a sufficient number of far sighted employers in British India who with a vision of the future saw that the ultimate interests of the employer as well as of the labourer were not antagonistic to the Bill and that the Bill was perfectly consistent with the well-being of the labourer and employer as well. Even before the enactment was incorporated in the Statute Book, many of the reforms suggested in the Act, as it was passed in 1934 in British India, were introduced in many of the factories. I think every intelligent employer in Travancore will also not fail to understand that such a piece of legislation is very necessary in the interests of the employer, in the very interests of the industry whose prosperity they have so much at heart. Mr. Karunakaran, almost representing the employer,—

MR. K. C. KARUNAKARAN (*Nominated*): No, Sir, I am not representing the employer; no.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): '*Almost*', I said.

MR. K. C. KARUNAKARAN (*Nominated*): No, no, I am only a paid man in a company, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Mr. Karunakaran said that he has no fundamental objection to the principle of the Bill. In his speech, the main attack was on the provision which enables the Government to include factories which do not use power under the purview of this Bill. It can very easily be understood what his interests are. He will be satisfied with a forty-eight hour week; he is prepared to be progressive to the tenth degree, provided the legislation does not touch industries which do not use power. Sir, his idea is clear. Unfortunately, we cannot agree to that position, because, in Travancore, there is loud complaint—so far as I have been able to understand—against employers engaged in industries which do not use power.

MR. K. C. KARUNAKARAN (*Nominated*): Is it factory industry that the member is referring to now?

MR K KUNJUKRISHNA PILLAI (*Quilon I*): Yes.

MR. K. C. KARUNAKARAN (*Nominated*): What is that industry, please?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Coir-matting industry.

MR. K. C. KARUNAKARAN (*Nominated*): Just a word by way of explanation, Sir. There is no decent factory in Alleppey run without power.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There are a number of factories which do not use power but which come under the definition contained in this Bill.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Mr. Karunakaran refers to *decent* factories.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is a matter of opinion.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, my point is—

DEPUTY PRESIDENT: There is one statement by Mr. Kunjukrishna Pillai and another by Mr. Karunakaran. Let the matter stand there. Mr. Karunakaran is not going to advance his point a bit by repeating what he has already stated.

MR. K C. KARUNAKARAN (*Nominated*): I agree with Mr. Kunjukrishna Pillai so far as factories are concerned. What I submit is that, if there are big factories which use only manual labour, there are no such factories, and I would call them cottage factories, they must, under no circumstances, be affected by this Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There are unions of people manufacturing coir mats and matting; and there are numerous labourers employed by such unions. There are many such manufacturing centres in the State. The benefits of this piece of legislation must extend to these labourers also. That is the point I want to make out. There has been very loud complaint that the condition of labour in

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these manufacturing centres is very bad. There has been complaint with regard to the hours of labour, the insanitary surroundings, the way in which work is done—

MR. K. C. KARUNAKARAN (*Nominated*): May I know from the member what is the wage system adopted in the mats and matting factories at Alleppey ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am not speaking of the question of wages. This is not a wages bill. This is a factories bill.

MR. K. C. KARUNAKARAN (*Nominated*): You said conditions were very bad in the matter of wages.

DEPUTY PRESIDENT: I want questions to be addressed to me so that I may be able to guide the deliberations. Apparently, Mr. Karunakaran wants information from Mr. Kunjukrishna Pillai as to the wage system in mats and matting factories in Alleppey.

MR. M. SIVATANU PILLAI (*Tovala*): I want to know which member represents employer and which labour ? (*Laughter.*)

DEPUTY PRESIDENT: I am very sorry Mr. Sivatanu Pillai did not wait. I have just explained Mr. Karunakaran's question, and Mr. Kunjukrishna Pillai has to answer it if he can. Afterwards I shall certainly allow Mr. Sivatanu Pillai the luxury of his question if it is permissible under the law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): With regard to the system of wages, I may say, Sir, that, whether we agree or disagree as to the adequacy or otherwise of the wages, there is a lot of complaint not met by the provisions of the Bill, especially in regard to the 'truck' system against which there has been great complaint from the labourers concerned.

MR. K. C. KARUNAKARAN (*Nominated*): There is—

(Two or three other members also rose in their seats.)

DEPUTY PRESIDENT: Order, order. If members rise in their seats and attempt to explain every possible position we cannot possibly make any progress in our business. No doubt, if a personal explanation is absolutely necessary, a very brief explanation may be made. That is all.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not think, Sir, that I need explain the meaning of the term 'truck' system. I do not care whether it is an English or a German word. I know it has got a meaning.

MR. K. C. KARUNAKARAN (*Nominated*): May I know from the member—

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not yield, Sir.

DEPUTY PRESIDENT: He is putting a question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not yield.

MR. K. C. KARUNAKARAN (*Nominated*): On a point of order, Sir. May I know from the member the implications contained in the expression 'truck' system, whether there was any Truck Act in British India and whether the Truck Act is now in force in Great Britain.

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MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is any—

DEPUTY PRESIDENT: I really cannot allow this kind of thing going on, half-a-dozen members springing up in their seats at the same moment. I hope I shall be understood properly.

Mr. Karunakaran has put a question, and Mr. Kunjukrishna Pillai, if he has an answer, may give it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have got to explain very many points; and I request the Chair to extend to me its protection which is due to me.

DEPUTY PRESIDENT: I have been throwing the mantle of my protection over Mr. Kunjukrishna Pillai whenever I thought it necessary to do so. So, the appeal to me is not necessary. What was being done hitherto will be done hereafter also.

MR. K. C. KARUNAKARAN (*Nominated*): The member has not answered me.

DEPUTY PRESIDENT: Mr. Karunakaran has put a question. If you have an answer, please give it, Mr. Kunjukrishna Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I point out, Sir, that a member need answer questions put to him when he is in possession of the House only if he thinks it necessary to do so?

DEPUTY PRESIDENT: That is why I said, "if you have an answer".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not think it necessary for me to answer Mr. Karunakaran's question.

DEPUTY PRESIDENT: You have no answer?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Not that.

DEPUTY PRESIDENT: I cannot accept that position.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There has been a ruling like that.

DEPUTY PRESIDENT: I consider this question a very material one. If you have an answer, please give it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Mr. Karunakaran put a number of questions together. I am not able to remember now.

MR. K. C. KARUNAKARAN (*Nominated*): What is the truck system?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): As I understand it, instead of giving wages, provisions or other articles of necessity are supplied, by the employer to the labourer, at fancy prices fixed by the employer.

MR. K. C. KARUNAKARAN (*Nominated*): May I know the member's source of information?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I decline to give it.

DEPUTY PRESIDENT: I cannot allow any cross-examination of the member in possession. The source of his information, the way in which he got it, all that does not arise. Mr. Kunjukrishna Pillai has given his answer. There is an end of it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the greatest complaint from the labourers is against the Travancorean employers, who pose themselves as the blood of their blood, the bone of their bone.

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They say that the European employer gives them far better treatment in every respect. It is the Indian employer that shows the utmost callousness towards the labourer. So far as I have been able to gather, there is complaint against the people who are running these smaller factories which do not use power, factories which cannot be called large-scale factories in the accepted connotation of the term.

My friend, Mr. Karunakaran, was pleading very vehemently for the coir-spinning industry and said that 1,50,000 souls are going to be damned by this piece of legislation. Sir, as everybody knows, that industry is being carried on all along the Travancore coast, and is one of the most important and popular cottage industries of the State. And this industry is being crushed by the protection given to the mats and matting industry. (*Hear, hear*). I should take the earliest opportunity to point out that these gentlemen who talk so much about the prosperity of this industry and who visualise an excellent future for this country, built upon this industry, are responsible for killing this industry by artificial export duties on this industry, a kind of duty which cannot be justified by any canon of tariff policy accepted in the civilised world. It is such people, Sir, that come forward and suggest that this Bill will work as a hardship to them. In this, our main cottage industry, a good deal of profiteering, by middlemen, is going on, and such middlemen are enjoying the bread taken out of the mouth of the poor labourer (*Hear, hear.*)

Fortunately in this industry there is not such an organised exploitation to a very large extent; but in the coir-matting industry there is exploitation to the utmost limit and the conditions of the coir mats and matting industry, if not of any other industry, must be dealt with by this Bill; and this Bill will have no effect and no justification if it does not stay the hand that throttles the labourers that are employed in the mats and matting industry. Mr. Karunakaran said that he would accept even a forty-eight-hour week if the coir-matting industry is left out. What is the good of accepting a forty-eight hour week after that? There is absolutely no good because it is the labour employed in this particular industry that stands in the greatest need of protection and such protection must be extended to it. I hope that Government will make it more positive, if they can, that such an industry as this will be brought within the four corners of this Bill and that full effect will be given to all the humane provisions in this Bill.

Sir, this Bill runs almost *pari passu* with the legislation in British India. There are not very material differences, so far as I have been able to see. I think this is a very moderate measure and the opinion of the employers has been represented very well, their case has been very well argued out and their position has been amply considered and every safeguard consistent with the efficiency of the industry and the interests of labour and the public interests of the country is sought to be provided for. Mr. Karunakaran said that the conditions of labour or employment in Travancore are fundamentally different and that the Law Member who brought this Bill has not studied this question. Sir, it is easy for one

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to say that he has got a monopoly of knowledge of particular conditions because he happens to be circumscribed in a particular profession; but he should not think that other people employed in other walks of life are going about the country with closed eyes and are unable to understand the situation in the country. They are also perfectly aware of the conditions in British India and in Travancore.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member the conditions obtaining in Japan?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The conditions in British India and in Travancore are different in this way: the conditions of labour in Travancore are much worse than the conditions of labour in British India.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know from the member whether he has himself made a comparative study?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): When I express an opinion, it is *my* opinion after such study as I have made.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is it a fact that the member has himself made a study?

DEPUTY PRESIDENT: I am very sorry that questions are being put lightly in this manner. I am not mentioning the name of any member in particular. When a member makes a statement on the floor of this House, it means that he has had the necessary study and the necessary reflection. On that presumption, Mr. Kunjukrishna Pillai may go ahead.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the condition of labour in British India is different from the condition of labour in Travancore in this way that the condition of labour in Travancore is much worse than the condition of labour in British India. It cannot but be so, because labour legislation has been delayed to a very great extent in Travancore. Since the 1911 Act relating to factories in British India, there have been various amendments to that Act, and even last year the culmination was reached after a thorough enquiry by a committee which enquired, the ability of the personnel of which and whose conclusions have not yet been questioned by any one. It must be admitted that the Whitley Commission's report has been accepted as a very valuable report portraying the conditions of labour and finding out solutions for the problems of labour in a most effective and statesmanlike manner, and I have not yet met with a single informed opinion against the recommendations of the Whitley Commission. The Factory Act in British India is analogous to the present Bill, so that there cannot be any valid objection raised to a legislation of this kind. Mr. Karunakaran has asked for an enquiry.

MR. K. C. KARUNAKARAN (*Nominated*): No, I have not asked for an enquiry.

DEPUTY PRESIDENT: I think he said that the Select Committee may take some evidence with regard to the conditions.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have noted down certain points, among which I have also noted down his statement that there should be enquiry into the condition of labour and that without proper data, proper figures, we should not bring in any legislation which is unjust. But since he has withdrawn that, I do not wish to pursue the point.

Another point has been raised that agricultural labourers are not brought within the purview of this Act. Sir, it may be said that everybody will appreciate the sympathy shown to agricultural labour; but I think we should not allow agricultural labour conditions to be made a factor for exploiting industrial labour in this way by putting in a very complicated provision to include agricultural labour of various kinds. If this legislation can be postponed indefinitely, that will be a serious hardship to industrial labour. It may be necessary to provide for agricultural labour in a special legislation, because the conditions of agricultural labour are different and they may also stand in need of adequate protection by legislation. But that is not a serious objection to the passing of this Bill or to the accepting of the general principle contained in the Bill. I do not understand how in the same breath one can say that the Bill is not comprehensive enough and that it is so good that the amenities of the Bill should be extended to agricultural labourers and at the same time condemn every provision of the Bill saying that the Bill will bring down ruin in the country.

DEPUTY PRESIDENT: Mr. Karunakaran did not say that of every provision of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*). He said that most of them will. I do not understand how that can be taken as a valid argument for postponing the consideration of the Bill or for not bringing into consideration the principles embodied in this Bill. The question has to be answered whether the industry after this Bill is passed will bear the cost necessitated by this reform. Sir, I think that it is a matter that has been considered in British India and they have found that, instead of weakening the economic position of industries, it has actually strengthened it. That has been the evidence of employers themselves and it is recorded in the proceedings of the Imperial Legislative Assembly. But even granting that it may not bear the economic strain on account of this reform, can you allow such inhuman things to be carried on? That question we have to consider. If you think that, without extracting the life-blood of a very considerable section of the population, an industry cannot thrive or on economic grounds you cannot make profits and show forth to the world that the country is not industrially advanced, if that industrial advance cannot be secured without the price of the blood of the people employed in it, well, I for one would say that we will much rather be without such industrial advancement than have industrial advancement at the cost of human life and human comfort. Sir, it may be stated that, if slavery is reintroduced, industry will thrive, that it will thrive if there are no restrictions with regard to the hours of work, wages, or the treatment

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to be meted out to the people employed in it. But are we going to accept slavery on account of the fact that the industries will thrive better, and the industrial position of the country will be better? We would rather forego such industrial prosperity. We believe that prosperity will come and a healthy progress will be achieved only if humane conditions are maintained and the vast majority of the people have got their interest safeguarded. It is the prime duty of the State to see that the interests of an unprotected section of the people are safeguarded. Mr. Karunakaran was flaunting that the employers were well-organised. We are not frightened by the organisation of the employers. We are not going to shirk our duty on account of the fact that the employers are well-organised. On the other hand, that is the very reason why every member of this House should take up the cause of labour, especially because labour as such is not represented in this House. It is the duty of every member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member think that it will be necessary or desirable to co-opt one member to represent labour in case a member is co-opted to represent employers?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I may say that, if it is possible to get a really efficient labour member, it will be well and good. But under the present condition of organisation of labour which is non-existent, I do not know whether it will be possible to get the kind of person who will be of real help to the interests of labour. If Government can find out a proper labour representative by any means, I will be the first person to welcome that idea and support that view. I think, if a Trade Union Bill was brought into existence at the time legislation was brought in British India, there would have been sufficient organisation in the country to send in their accredited representatives to an institution like this who would be able to represent labour in the most effective manner possible. But I do not know whether at present as labour representatives when they come and take part in the discussions in this House they will be able to represent labour interests in the manner in which they should. If a representative has to be selected, the discretion has to be left under the present circumstances to the Government; and if the opinion about Government discretion is as represented by Mr. Karunakaran, how can the employees be satisfied if such Government nominates a representative of the employees?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will labour generally accept Mr. Kunjukrishna Pillai as their representative?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not know. When I presided over the All-Travancore Labour Conference at Alleppey and when they made special representations to me that I must introduce a Bill for the interests of labour, I said I would be questioned in the Assembly as to my credentials to represent labour and that unless they write to Government and say that they are willing to be represented by

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me, I shall not be in a position to answer such a question when any member raises it. I believe they have given in writing that they will for purposes of labour questions repose their confidence in me and that they have written to that effect and I speak fortified by such credentials, whatever their value might be. But even apart from the fact whether I may talk as a representative of labour or not, I do not want to base my claim with regard to this Bill on that ground only. I want to accept the principle of this Bill quite independently of such a consideration, and on the merits of the question.

On the merits of the question, I have got a right to press that this House should accept the principles of the Bill which has been very carefully considered and which has stood the criticism in British India. This Legislation should be passed with the least possible delay, because labour in Travancore is getting restive and is becoming dissatisfied with the present conditions. Look at the number of strikes that took place in Alleppey. It is not a joke to a set of labourers to go on strike. It is not like an excursion or a holiday for them. It is at the sacrifice of every thing that is dear to them that they go on strike. When they go on strike, it must be taken as a general rule that there is some real grievance behind it. We find that in Alleppey there has been a number of strikes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether there was any such strike before the advent of labour leaders?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think that ever since labour was able to organise itself there were leaders. Before there were leaders, they were not conscious of their rights. They are now feeling the pinch of extortion. They are now finding that organisation is the only remedy. The labour conditions in British India are known to the people here. The labour methods used there have been a lesson to the labourers in Travancore.

MR. K. C. KARUNAKARAN (*Nominated*): May I know the reason for the strike on the 24th—

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not know about that. But I know that as a general rule these strikes will not happen unless there is some real grievance.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the workmen create strikes or the leaders create strikes?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It may be interpreted either way. Employers will say that the trouble is brought about by the leaders. It may be so. I am not ashamed to concede that. It may be that the labour leaders who take interest in labour may have drawn a comparison between the conditions here with those in British India. They might have educated the labourers, and told them of their rights. In that way leaders might be said to have created discontent. The other way also is possible. Labour in Travancore is more educated than in British India and elsewhere. The labourers in Travancore are able to understand and assert their rights more than those

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in British India. You cannot ask them to go through all those stages which British India had gone through, because there was no intervening legislation between 1911 and 1934. That will be an untenable position. The conditions of labour in Travancore necessitate urgent legislation. It has been urged by all that Travancore is changing from an agricultural country into an industrial country. It has been admitted that, with the completion of the Pallivasal Scheme, large industries might come into existence. It is very necessary to safeguard early enough the rights and conditions of labour in this State.

I think one of the objections raised in the dissenting minute of Mr. H. P. Mody was that, although it was admitted that humane considerations should be applied to improve labour conditions, how are we to do that? When labour conditions in Indian States were so bad that labour will migrate into the adjoining British territory, what can they do to prevent that? I do not know what were the recommendations of that Committee. When we talk of uniformity of legislation in the Federation of the future, can we seriously object to uniformity of legislation on a subject like labour? In the India Bill, labour is put down in the concurrent list of legislation. If there is to be uniformity and proper relationship between employers and labour in British India and in Indian States, it should at least be in the concurrent list. I think that this House will give its emphatic support to the principles embodied in this Bill and see that this much-needed legislation will be passed with the least possible delay. With these words, I have very great pleasure in supporting the Bill.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether he had visited or tried to visit, he has talked or tried to talk about labour conditions with any of the employers after he had been appointed as the representative of labour?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Once again, please.

MR. K. C. KARUNAKARAN (*Nominated*): I want to know whether he had visited any of the factories at Alleppey after he had been appointed as the accredited representative of labour?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I did not say I was the accredited representative of labour. I think my friend is indulging in sarcasm.

DEPUTY PRESIDENT: There is no sarcasm in it. If it was otherwise, I would not have allowed that question. What he wants to know is whether, after you took interest in the matter, you cared to ask some people on the other side.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have asked many enlightened employers who, I thought, will be able to give me intelligent, unbiassed information on this matter. I have got that information with me. I have also read the opinion of informed employers outside. Every one of them has been in support of the position I have taken with regard to this Bill.

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MR. M. N. NAIR (*Kottayam I*) : വ്യവസായശാലകളിൽ ജോലിചെയ്യുന്ന തൊഴിലാളികളേയും അതിന്റെ ഉടമസ്ഥന്മാരായ മുതലാളന്മാരേയും സംബന്ധിക്കുന്ന ഒരുനിയമം ഉണ്ടാക്കണമെന്നുള്ള തത്വത്തോടുകൂടി ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. എന്നാൽ ഒരു പരമാർത്ഥം ഈ ഹൌസിലെ സഹോദരാംഗങ്ങളോട് പറയാതിരിക്കുവാൻ നിവർത്തിയില്ല. ഇവിടേയുള്ള വളരെ കുറച്ചു അംഗങ്ങൾക്കുമാത്രമേ അതിന്റെ വാസ്തവം അറിയാൻ പാടുള്ളൂ. വ്യവസായശാലകളിലെ തൊഴിലാളികളും മുതലാളന്മാരും തമ്മിലുള്ള ബന്ധത്തെപ്പറ്റി ഉദ്ദേശം ഒരു വ്യാഴവട്ടക്കാലം ആലപ്പുഴ പട്ടണത്തിൽ താമസിച്ചു പല വ്യവസായശാലകളും സന്ദർശിക്കുന്നതിനു ഇടയായ എനിക്കു കൂടുതൽ അനുഭവപ്പെട്ടിട്ടുണ്ട് എന്നുള്ളസംഗതി എന്റെ മാന്യസ്നേഹിതന്മാർ വിശ്വസിക്കുമെന്നു വിചാരിക്കുന്നു. തൊഴിലാളിമാരേയും മുതലാളിമാരേയും തമ്മിൽ ബന്ധിപ്പിക്കുന്നതിനു നിയമം ഉണ്ടാക്കുന്നതു കുറെക്കൂടി നല്ലതാണെന്നാണ് എന്റെ അഭിപ്രായം. സാധാരണ പത്രങ്ങളിലുള്ള വർത്തമാനങ്ങൾ നിമിത്തം തൊഴിലാളികൾക്കു തിരുവിതാംകൂറിൽ ഒരു നിയമം വേണമെന്നുള്ള ആഗ്രഹത്തിനു വളരെ ശക്തിയുണ്ടായിട്ടുണ്ട്. ഒരു നിയമം പരിഷ്കൃതമായ രീതിയിൽ അല്ലാതേയിരുന്നാൽ അതുകൊണ്ടു പല വിഷമങ്ങളും അനുഭവിക്കേണ്ടതായി വരും. അങ്ങനെ ഒരു നിയമം ഉണ്ടാകുന്നതുകൊണ്ടു യഥാർത്ഥമായ സങ്കടം തൊഴിലാളികൾക്കുണ്ടായിട്ടില്ല. ആലപ്പുഴയിലെ കയറുവ്യവസായ ശാലകളിലുള്ള തൊഴിലാളികളുടെ സ്ഥിതി താരതമ്യേന വളരെ നല്ലതാണെന്ന് ആ വ്യവസായശാലകളിലുള്ള തൊഴിലാളികൾ തന്നെ സമ്മതിക്കാതെ ഇരിക്കുകയില്ല. തിരുവിതാംകൂറിലെ കഴിഞ്ഞ സെൻസസ്സ് റിപ്പോർട്ടിൽ വേലക്രൂലിയെപ്പറ്റി വിവരിച്ചിരിക്കുന്നതിനെ താരതമ്യപ്പെടുത്തിനോക്കിയാൽ കൂടുതൽ കൂലികിട്ടുന്നതു കയറുവ്യവസായശാലകളിലെ കൂലിക്കാർക്കാണെന്നു കാണാവുന്നതാണ്. ദിവസക്കൂലി എന്നൊരു കണക്കു കയറുവ്യവസായശാലകളിൽ കാണുന്നില്ല. അവിടെ ചെയ്യുന്ന വേലയുടെ അളവ് അനുസരിച്ചു (പീസ് വർക്ക്) കൂലി കൊടുക്കുന്നു. അതുകൊണ്ട് കൂടുതൽ മണിക്കൂർ വേലചെയ്യുന്നതിനു കൂടുതൽ കൂലികൊടുക്കണമെന്നു പറയേണ്ട ആവശ്യമില്ല. ഇത്രമണിക്കൂർ ഒരുദിവസം വേലചെയ്യണമെന്നു ക്ലിപ്തമില്ലാത്തതുകൊണ്ടു കൂലിയെ സംബന്ധിച്ചു നിശ്ചയം ചെയ്യേണ്ട ആവശ്യവുമില്ല.

MR. K. R. ELENKATH (*Kalkulam I*) : ദാരിദ്ര്യംകൊണ്ടു ജനങ്ങൾ കൂടുതൽ ജോലി ചെയ്യുന്നതു അവരുടെ ആരോഗ്യത്തിനു ഹാനികരമാകയാൽ അതിനെ തടുക്കേണ്ടതു് ആവശ്യമല്ലേ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. M. N. NAIR (*Kottayam I*) : കുറഞ്ഞമണിക്കൂർ വേലചെയ്യുന്നതുകൊണ്ട് ആദായംകിട്ടാതെ കുടുംബത്തെ മുഴുപ്പട്ടിണിയിൽ ആക്കുന്നതിൽ ഭേദം കൂടുതൽ വേലചെയ്യ കുടുംബത്തെ രക്ഷിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. K. C. KARUNAKARAN (*Nominated*) : ദിവസന്തോറും ഇത്രമണിക്കൂർ ജോലിചെയ്യണമെന്നു മുതലാളന്മാർ തൊഴിലാളികളെ നിർബന്ധിക്കുന്നുണ്ടോ? അതോ, തൊഴിലാളികളുടെ ഇഷ്ടംപോലെയുള്ള സമയത്തേക്കാണോ ജോലിചെയ്യുന്നത്?

MR. M. N. NAIR (*Kottayam I*): തൊഴിലാളികൾ ഇത്രമണിക്കൂർജോലിചെയ്യണമെന്നു ക്ലിപ്തപ്പെടുത്തീട്ടില്ല. അവർചെയ്യുന്ന ജോലിക്കാണ് കൂലികൊടുക്കുന്നത്.

MR. K. C. KARUNAKARAN (*Nominated*): തൊഴിലാളികൾ ഇത്രമണിക്കുപോകണമെന്നോ ഇത്രമണിമുതൽ ഇത്രമണിവരെ ജോലിചെയ്യണമെന്നോ വല്ല ക്ലിപ്തവും ചെയ്തിട്ടുണ്ടോ?

MR. M. N. NAIR (*Kottayam I*) : അങ്ങനെ ഇല്ലെന്നു മുമ്പുതന്നെ പറഞ്ഞുകഴിഞ്ഞു.

MR. K. C. KARUNAKARAN ((*Nominated*) : യൂറോപ്യന്മാരുടെ ഫാക്ടറികളിൽ അങ്ങനെ ക്ലിപ്തപ്പെടുത്തീട്ടുണ്ടോ?

MR. M. N. NAIR (*Kottayam I*) : ഉണ്ട്. യൂറോപ്യൻഫാക്ടറികളിലുള്ള തൊഴിലാളികളേക്കാൾ കൂടുതൽ സ്വാതന്ത്ര്യം നാട്ടുകാരുടെ ഫാക്ടറികളിലുള്ള തൊഴിലാളികൾക്കുണ്ട്. യൂറോപ്യൻഫാക്ടറികളിൽ കൂടുതൽ പണം ചിലവാക്കി യന്ത്രസാമഗ്രികൾ കൊണ്ടുകൂടുതൽ ജോലി ചെയ്യുന്നുണ്ട്. അതിനാൽ കൂടുതൽ ആദായം അവിടെ ജോലി ചെയ്യുന്ന തൊഴിലാളികൾക്കു കിട്ടുന്നതുകൊണ്ട് അവർ കഷ്ടതസഹിച്ചും യൂറോപ്യൻ ഫാക്ടറികളിൽ ജോലിചെയ്യാൻ താല്പര്യപ്പെടുന്നു. അതുപോലെയുള്ള സൌകര്യങ്ങളോ ധനശക്തിയോ നാട്ടുകാരായ ഫാക്ടറി ഉടമസ്ഥന്മാർക്കു ഇല്ലാത്തതുകൊണ്ടു അവർ തൊഴിലാളികളെ ആശ്രയിച്ചും അവരുടെ സൌകര്യം നോക്കിയും മാത്രമേ അവരെക്കൊണ്ടു വേലചെയ്യിക്കുന്നുള്ളൂ.

MR. K. C. KARUNAKARAN ((*Nominated*) : കൂലിക്കു പകരമായി സമാനങ്ങൾ കൊടുക്കുന്നു എന്നു മി. കുഞ്ഞുകൃഷ്ണപിള്ള പറഞ്ഞതു ശരിയാണോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. M. N. NAIR (*Kottayam I*) : ചില ഫാക്ടറികളിൽ അങ്ങനെ സാമാനം വാങ്ങിക്കൊടുക്കുന്നുണ്ട്. പണം കൊടുക്കാൻ ഇല്ലാത്തതുകൊണ്ട് അവർ കടംവാങ്ങിക്കുന്ന കച്ചവടക്കാരിൽനിന്നും സാമാനം വാങ്ങി ക്കുലിക്കാക്കു കൊടുക്കുന്നുണ്ട്. അല്ലാതെ കൂലിക്കുപകരം അരികൊടുത്തു അതിൽനിന്നും ഒരുദായം ഉണ്ടാക്കിക്കളയാമെന്നുള്ള ഒരു വിചാരം മുതലാളിമാർക്കില്ല.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : ഈ ഏർപ്പാട് അനുവദിക്കുന്നതല്ലെന്നു വിറിലിക്കമ്മീഷൻ അഭിപ്രായപ്പെട്ടിട്ടുള്ളതായി അറിയാമോ?

MR. M. N. NAIR (*Kottayam I*) : മി കുഞ്ഞുകൃഷ്ണപിള്ളയെ ഞാൻ വിശ്വസിക്കുന്നതുകൊണ്ടു അറിയാം.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattinapuram*) : ഫാക്ടറി ഉടമസ്ഥന്മാർ പണം മുടക്കി ഈ മാതിരി ഷാപ്പുകൾ ഉണ്ടാക്കിവിട്ടുണ്ട് എന്നുപറയുന്നതു ശരിയാണോ?

MR. M. N. NAIR (*Kottayam I*): അതു ശരിയല്ല.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattinapuram*) ഫാക്ടറി ഉടമസ്ഥന്മാർ പണംമുടക്കി ഏർപ്പെടുത്തിട്ടുള്ള ഷാപ്പുകളിൽനിന്നും അരിമുതലായ സാമാനങ്ങൾ വാങ്ങിക്കുന്നതിനു കൂലിക്കാരെ നിർബന്ധിക്കുന്നു എന്നുള്ളതിനെപ്പറ്റി അറിയാമോ?

MR. M. N. NAIR (*Kottayam I*): അതിനെപ്പറ്റി എനിക്കറിവില്ല. നേരിട്ടുള്ള ശീട്ടിൻപ്രകാരം കച്ചവടസ്ഥലങ്ങളിൽനിന്നും അരിമുതലായ സാമാനങ്ങൾ കൂലിക്കാർക്കു കൊടുക്കുന്നതു യഥാർത്ഥമായ വിലയ്ക്കാണ്. ഇങ്ങനെ അരികൊടുക്കുന്ന സമ്പ്രദായം നിർത്തുന്നപക്ഷം കൂലിക്കാക്കു കൂലികിട്ടാൻ താമസം ഉണ്ടാകുന്നതാണ്. അങ്ങനെ താമസിപ്പിക്കാതെ എളുപ്പം കൂലികൊടുക്കുന്നതിനാണ് ഈ സമ്പ്രദായം വെച്ചിരിക്കുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): പത്തു മണിക്കൂറിൽ കൂടുതൽ വേലചെയ്യുന്നതിനു കൂലിക്കാക്കു സമ്മതമുണ്ടെങ്കിൽ അവരെക്കൊണ്ടു വേല ചെയ്യിച്ചുകൂടാഎന്നുണ്ടോ?

MR. M. N. NAIR (*Kottayam I*): പ്രായമുള്ളവരെ സംബന്ധിച്ചിടത്തോളം അവക്കു സമ്മതമാണെങ്കിൽ കൂടുതൽ വേലചെയ്യിക്കാം. എന്നാൽ 12 വയസ്സിൽ കുറഞ്ഞ കുട്ടികളെ വേലയ്ക്കു അനുവദിക്കുകയില്ല എന്നു നിശ്ചയിച്ചാൽ അതു ഇന്നത്തെ ദാരിദ്ര്യസ്ഥിതിക്കു പല കുടുംബങ്ങൾക്കും കൂടുതൽ ദോഷകരമായ ഒരു വ്യവസ്ഥയായി തീരുന്നതാണ്.

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[Mr .M N. Nair.]

അവപ്പുഴയിലെ കയറുവ്യവസായശാലകളിൽ എട്ടും പത്തും വയസ്സായ കുട്ടികൾ പ്രായംകൂടാതെ ദിവസം മൂന്നും നാലും അണവീതം ഉണ്ടാക്കുന്നുണ്ട്. ഇങ്ങനേയുള്ള ആളുകളെ വേലയ്ക്കു അയക്കുന്നതു ഭാവിപൌരന്മാരായ ഇവരുടെ ആരോഗ്യത്തിനു ഹാനികരമാണെങ്കിലും സാധുക്കളായ ഇവർക്കു ചിലവിനു വേറെ മാർഗ്ഗം ഉണ്ടാക്കുന്നതുവരെ—അതിലേക്കുള്ള സൌകര്യങ്ങൾ നമ്മുടെ സംസ്ഥാനത്തിൽ ചെയ്യുന്നതുവരെ—അവർക്കു രണ്ടോ മൂന്നോ അണ കൂലികിട്ടാൻ അനുവദിക്കുന്നതു പ്രത്യേകം നല്ലതാണെന്നാണു് എനിക്കു തോന്നുന്നതു്.

MR. PACODE A. NARAYANA PILLAI (*Vituvikod*) : ആത്മഹത്യയെ നിയമം കൊണ്ടു തടുക്കാമെന്നാണോ പറയുന്നതു്?

MR. M. N. NAIR (*Kottayam* I) : തടുക്കരുതെന്നാണു ഞാൻ പറയുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): നല്ല വിവരമുള്ള ആളുകൾ പത്തുണ്ടും പതിനാലുമണിക്കൂർ സമയം mental വർക്കുചെയ്യുന്നുഎന്നറിയാമോ?

MR. M. N. NAIR (*Kottayam I*): അറിയാം. ബില്ലിലെ ഇപ്പോഴത്തെവ്യവസ്ഥ കൂടുതൽ സമയം ജോലിചെയ്യിക്കണമെന്നാണു. കുട്ടികളും വ്യവസായശാലയെ സമീപിക്കാൻ ഇടയുണ്ടു്. അതു തൊഴിലാളികൾക്കു ഹാനികരമായിട്ടുള്ളതാണു. അതിനാൽ ഇതിനെപ്പറ്റി എനിക്കു കൂടുതലായി പറയുവാൻ ഉള്ളതു തൊഴിലാളികളുടെ പ്രത്യേകഗുണത്തേയും നാട്ടിന്റെ ശാശ്വതമായ നന്മയേയും ഉദ്ദേശിച്ചു ഈ നിയമസഭയിൽ പാസാക്കുന്ന ഒരു നിയമം യഥാർത്ഥമായ രോഗത്തിനു ദോഷകരമായ ഔഷധംപോലെ പരിണമിക്കാതെഇരിക്കണമെന്നു മാത്രമാണു് നിയമസഭാപ്രതിനിധികളും പൊതുജനപ്രതിനിധികളും വ്യവസായശാലകളുടെ ശരിയായ സ്ഥിതിയെപ്പറ്റി അന്വേഷിച്ചു് അറിഞ്ഞു പത്രങ്ങൾവഴിയായി പ്രതിധ്വനിപ്പിക്കുന്ന സംഗതികളെമാത്രം അടിസ്ഥാനപ്പെടുത്താതെ കൂടുതൽ അന്വേഷിച്ചു വാസ്തവം മനസ്സിലാക്കി ഈ നിയമം പാസ്സാക്കേണ്ടതാണു്.

MR. A. THANU PILLAI (*Trivandrum—Rural*): അന്വേഷണം നടത്തിയാൽ ഈ നിയമം പാസ്സാക്കുന്നതു കൂലിക്കാക്കു് ദോഷകരമായിരിക്കുമെന്നാണോ?

MR. M. N. NAIR (*Kottayam I*) : ഇതിലെ വ്യവസ്ഥകൾ കൂലിക്കാക്കു് കൂടുതൽ ദോഷകരമാണു്.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെയുള്ള വ്യവസ്ഥകൾ എന്തെല്ലാമാണെന്നു മെമ്പർക്കു പറയാമോ?

MR. M. N. NAIR (*Kottayam I*): പന്ത്രണ്ടുവയസ്സിനുതാഴെയുള്ള കുട്ടികളെക്കൊണ്ടു വേലചെയ്യിക്കരുതു് എന്നു വ്യവസ്ഥചെയ്തിരിക്കുന്നതു വളരെ ദോഷമാണു്. ക്ലേലിക്കുപകരം അരികൊടുക്കരുതു് എന്നു വ്യവസ്ഥചെയ്തിരിക്കുന്നു. അരികൊടുത്തില്ലെങ്കിൽ ക്ലേലിക്കാർക്കു് ക്ലേലി സമയത്തിനു കിട്ടുകയില്ലാ എന്നുള്ളതുകൊണ്ടു് ആ വ്യവസ്ഥയും വളരെ ദോഷകരമാണു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ദിവസം പത്തുമണിക്കൂർ ജോലിയേപാടുള്ളു എന്നു നിശ്ചയിക്കുന്നതു ശരിഅല്ലെന്നാണോ?

MR. M. N. NAIR (*Kottayam I*): സമയംകുറയ്ക്കുന്നതുകൊണ്ടു ക്ലേലിയും കുറയ്ക്കുന്നതു ദോഷമാണു്. ഇതിലേക്കുള്ള ശരിയായ പരിഹാരമാർഗ്ഗങ്ങളെപ്പറ്റി ആലോചിച്ചു അതിനുതക്ക വ്യവസ്ഥകൾ ഉണ്ടാക്കേണ്ടതാണു്. ക്ലേലിനിശ്ചയം ചെയ്യണമെന്നുള്ളതാണു് അവരുടെപത്രത്തിൽ കാണുന്ന പ്രധാനസങ്കടം. ക്ലേലിയെപ്പറ്റി നിശ്ചയിക്കാതെ വേലയ്ക്കുള്ള മണിക്കൂർ കുറച്ചാൽ ക്ലേലിയും കുറയും.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): ഈ ബിൽ ഉടൻതന്നെ പാസ്സാക്കേണ്ടതാണെന്നു ആ പത്രത്തിൽതന്നെ പറഞ്ഞിട്ടുള്ളതായി അറിയാമോ?

MR. M. N. NAIR (*Kottayam I*): ഞാൻ പത്രംമുഴുവനും വായിച്ചില്ല. ബിൽ പാസ്സാക്കുന്നതുകൊണ്ടു വിരോധമുണ്ടെന്നു പറഞ്ഞില്ല.

MR. A. THANU PILLAI (*Trivandrum-Rural*): ഈ ബിൽ എന്താണെന്നു മനസ്സിലാക്കിയിട്ടാണോ പത്രത്തിൽ അതിനെപ്പറ്റി എഴുതിയിട്ടുള്ളതു്?

DEPUTY PRESIDENT: ആ ചോദ്യം പത്രത്തിൽ എഴുതിയ ആളോടാണെങ്കിൽ അനുവദിക്കാമായിരുന്നു.

MR. M. N. NAIR (*Kottayam I*): ആലപ്പുഴയുള്ള തൊഴിലാളികൾക്കു സംഘടനയില്ലെന്നും മുതലാളിമാർക്കു നല്ല സംഘടനയുണ്ടെന്നും പറയുന്നതു ശരിയല്ല. ആലപ്പുഴയുള്ള മുതലാളിമാർക്കാണു ശരിയായ സംഘടനയില്ലാത്തതു്. അവരേക്കാൾ കൂടുതൽ സംഘടന തൊഴിലാളികൾക്കു

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[Mr. M. N. Nair]

ണ്ട്. മുതലാളിമാരുടെ കാര്യം അവർ പറയുമ്പോൾ തൊഴിലാളികളുടെ കാര്യം അന്യർ പറയുന്നു. എന്നാൽ തൊഴിലാളിയുടെ യഥാർത്ഥമായ അനുഭവത്തെയല്ല സാധാരണയായി അന്യർ മനസ്സിലാക്കുന്നത്. പാശ്ചാത്യരാജ്യങ്ങളിലുള്ള തൊഴിലാളികളുടെ നിയമത്തേയും സാഹിത്യംഉണ്ടാക്കുന്ന തൊഴിലാളികളെപ്പറ്റിയുള്ള സാമാന്യ അറിവുകളേയും വെച്ചുംകൊണ്ട് ഇവിടത്തെ കാര്യങ്ങളെ ഉള്ളതിൽ കൂടുതൽ പർവ്വതീകരിച്ചുപറയുന്നുണ്ട് എന്നുള്ളകാര്യം ഓർക്കാതെ ഇങ്ങനെ ഒരു നിയമം പാസ്സാക്കുന്നതുനിമിത്തം ഉദ്ദേശത്തിനു വിപരീതമായ ഫലം ഉണ്ടാകയില്ലെന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : ഇടവം ഒൻപ--നടന്ന സൈടക്കിന് കാരണമെന്താണെന്നറിയാമോ?

MR. M. N. NAIR (*Kottayam I*) : അതിന്റെ കാരണത്തെപ്പറ്റി ഞാൻ അന്വേഷിച്ചില്ല, തൊഴിലാളികളുടെ ക്ലേശക്കുറവല്ല അതിന് കാരണം. രാഷ്ട്രീയകാര്യമാണ് അതിനുകാരണമെന്ന് ഞാൻ സംശയിക്കുന്നു.

ഇതിന്റെ ദോഷവശങ്ങളും സഭയുടെ പര്യാലോചനക്കു കൊണ്ടുവരണമെന്നു ഉദ്ദേശിച്ചാണു ഞാൻ ഇതെല്ലാം പ്രസ്താവിച്ചിട്ടുള്ളത്.

MR. R. SAMBASIVA AIYAR (*Kunnattunad II*) : മിസ്റ്റർ കേശവനെ അറസ്റ്റ്ചെയ്തതുകൊണ്ടാണു സൈടക്കുണ്ടായത് എന്നു അറിയാമോ?

MR. M. N. NAIR (*Kottayam I*): അറിഞ്ഞുകൂടാ.

DEPUTY PRESIDENT : That has nothing to do with the discussion of the general principle of the Bill. 200 people might have been arrested that day. That question does not arise. What Mr. M. N. Nair said was that there may be some political aspects. As for that, there may be a hundred political matters. So, that point does not arise.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I only wanted to ascertain from the member how far they have organised in order to effect a strike.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to support the principle underlying this Bill. So far as I have been able to understand correctly from the discussions that we have had, there are only two objections raised by the members who cannot agree to the principle of the Bill. One is about the provisions in respect of discretionary power vested in Government to declare some of the manufacturing places where power is not used as a factory and they demand that it should be taken away. I cannot see eye to eye with that. I make the suggestion especially because there are even today some factories where machines are not used but at the same time more than 200 or 500 people are

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engaged for work. Why should not Government be given power to declare such work-houses as factories so as to enable the employees of such factories to derive the benefit that is aimed at by the Bill?

Again, another objection that was raised by Mr. M. N. Nair relates to the time limit. He said that it will do more harm than good to employees whose benefit is aimed at. Wherever a voluntary action has been submitted to, he is of opinion that we ought to welcome it and not deter them from pursuing it. There was a pertinent question put by my friend Mr. Pacode Narayana Pillai as to whether one who is prepared to kill himself by starvation may be allowed to do so. Sir, we have heard stories in newspapers of parents who out of their dire poverty throw their children into wells and streams and kill them rather than trying to make them survive their helpless position. If Mr M. N. Nair's arguments would hold good in the direction in which he is trying to justify his position, may I ask, in all humility, whether Government should prevent such people who are forced to succumb to self-inflicting actions as aforesaid ? It is only justifiable that Government and the members of the Legislature should view this question seriously and try to protect those who, out of their dire necessity or circumstances created by the pinch of poverty, sacrifice their health and their all for earning their livelihood. I strongly hold the view that it is high time that such a piece of legislation is effected and the delay in that direction will be detrimental to the public interest of the country. With these words, I strongly support the introduction of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I must admit that, owing to the very short notice we had, I was not able to go through the provisions of the Bill. I also admit that I have not made a study of the conditions prevailing amongst the labouring classes and the employers. But from the heated controversy that I was listening to, it seems to me, that such a legislation is an urgent necessity. We must prevent further strikes, we must prevent breaches of peace, and, for all these purposes, I think it is absolutely necessary that a legislation which will suit the needs of the country must be brought into effect without any delay.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know, is there any provision in this Bill to prevent breach of peace?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Yes. The member will kindly read them and understand the conditions that are prevailing in the country at present.

MR. M. N. NAIR (*Kottayam I*) : It is not to prevent a political strike I was offering suggestions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know whether there is any political factory ?

DEPUTY PRESIDENT : Is there anything like a political strike ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What I understood the member to say was strikes due to political causes.

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[Mr. A. S. Damodaran Asan.]

What I am submitting is, that, from what we heard here, it appears that, even amongst people who have studied the situation at Alleppey and other places, there is a serious dispute with regard to facts existing at present. Therefore before we legislate and bring into effect a Bill in this final form, an enquiry into the existing condition is absolutely necessary (*Hear hear.*) But I do not snggest that for that purpose we should adjourn the consideration of this Bill. The Select Committee that is to be constituted may be given ample power to go into the whole question and to effect the necessary amendments in the report that is to be submitted by them. In two matters I am glad. One is that this Bill has been introduced in the present form. It is a fashion with our Government to introduce sometimes bills that have become law in British India even 20 years ago and has become out of date there. In this case at any rate, they have brought in the Bill six months after it has become law in British India.

Another feature is, as the Law Member said, there is substantial compliance with the provisions contained there.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Will it not be that we may take longer time to fall into line with British India?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All depends upon us. That is no reason why we should copy the British Indian legislation. We have to study whether the conditions here are different from the conditions existing there and whether there should be amendments in the legislation to suit those conditions.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Is it the opinion of the member that the conditions must be suited to the times existing?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All that I say is that the Select Committee may be authorised to effect amendments suited to the time and place. With this suggestion that the Select Committee may be given ample scope for enquiring into the conditions and suggesting necessary amendments, I support the principle of the Bill.

MR. G. NILAKANTAN (*Nominated*): I support the principle of the Bill with the greatest pleasure. There has been persistent demand from Labour Associations for some time past for labour legislation. It is to meet this demand that Government have thought fit to bring in this Bill. It is certainly wise to pass the Bill into law before the conflict between capital and labour associations attains any serious proportions.

Reference has been made to coir industry as one to be controlled by labour legislation. I may refer to other industries. For instance, I may refer to the P. W. D. Workshop conducted by the Government. What do they do there? There is sweated labour in the form of what is called piece-work system. It is not creditable. Contract in the Government work-shops are given on piece-work system through auction to the lowest bidder. This system has been a course to the country.

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Then I may refer to the condition of labour in the bell-metal workshops in Changanachery, Nagercoil and other places of the State. More than twenty people work in factories of 10 by 15 feet in area. It is high time that these factories are regulated by well-defined rules. Then again, take the case of carpentry works, ivory factories and others. Similar conditions prevail there also.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether there is great competition to secure labour in Travancore from outside ?

MR. G. NILAKANTAN (*Nominated*) : That labour condition in Travancore is worse than in British India may be inferred from the fact that British Indian capitalists go over here to establish factory industries.

MR. M. N. NAIR (*Kottayam I*) : Does not the member know that hundreds of coolies from Tinnevelly and other places are working here ?

MR. G. NILAKANTAN (*Nominated*) : What I said was that foreign capitalists come to start factories here to avoid the rigorous law of British India.

MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*) : Is it the member's opinion that labourers in British India want to evade the British Indian laws ?

MR. G. NILAKANTAN (*Nominated*) : No. It is to prevent the exploitation of labour in Native States that the International Labour Organisation has laid down that for the purpose of administration of labour laws the whole of India should be one single unit. That is probably why laws in British India are being adopted in Travancore. It is high time that a Bill of this nature is necessary. With these words, I support the Bill.

MR. N. JOHN JOSEPH (*Nominated*) : തൊഴിലാളികളേയും മുതലാളികളേയും സംബന്ധിക്കുന്ന ഒരു നിയമം ഉണ്ടായിരിക്കേണ്ടതു അത്യന്താപേക്ഷിതമാണ്. തൊഴിലാളികളുടെ ആരോഗ്യത്തെ പരിഗണിച്ചു അവരുടെ ക്ലിനിസമയം മുതലായകാര്യങ്ങളെ ക്ലിപ്തപ്പെടുത്തേണ്ടതു് അത്യാവശ്യമാണെന്ന് ഏവരും സമ്മതിക്കുന്നതാണ്. പ്രത്യേകം പ്രത്യേകം ഫാക്ടറികൾ ഏർപ്പെടുത്തി അവയെ നടത്തിക്കൊണ്ടുപോകുമ്പോൾ അവിടെ നിയമപരിപാലനവും അതിലേർപ്പെട്ടിരിക്കുന്നവരുടെ ആരോഗ്യസംരക്ഷണവും ഗവണ്മെൻറിൽനിന്നും ചെയ്യേണ്ടതു് അത്യാവശ്യമാണ്. ഇപ്പോഴത്തെ സാമ്പത്തികനിലകൊണ്ടു് തൊഴിൽനടത്തുന്നതിനു വളരെ പ്രയാസമുണ്ടെങ്കിലും ഈ സമയത്തു അതു നടത്തിക്കൊണ്ടുപോകുന്നതുകൊണ്ടു വളരെ പ്രയോജനമുണ്ടു്. ഇങ്ങനെയുള്ള നിയമങ്ങൾ ബ്രിട്ടീഷിൻഡ്യയിലുള്ളരൂപത്തിൽതന്നെ ഇവിടെയും പകർത്തുന്നതു ശരിയല്ല. ഈ നാട്ടിൻറെസ്ഥിതിക്കു പറ്റിയതരത്തിൽ അതിനെ ഭേദഗതിചെയ്തു അതിനെപ്പറ്റി പരിജ്ഞാനമുള്ള ആളുകളുടെ അഭി

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[Mr. N. John Joseph]

പ്രായത്തെക്കൂടി സ്വീകരിച്ചു ഗവണ്മെൻറു പ്രത്യേകമായി ഈ നിയമം പാസ്സാക്കണമെന്നാണ് എൻെറ അഭിപ്രായം. അതിലേക്കു ഗവണ്മെൻറിൻെറ ശ്രദ്ധയെ പ്രത്യേകം ക്ഷണിച്ചുകൊള്ളുന്നു. തൊഴിലാളികളും മുതലാളികളും തമ്മിൽ ഒരുകാലത്തു വിപ്ലവമോ വഴക്കോ സൈടക്കോ ഉണ്ടാകാതിരിക്കത്തക്കരീതിയിൽ അതിനു് നിവാരണം ഉണ്ടാകത്തക്ക വ്യവസ്ഥകളോടുകൂടി നിയമം ഉണ്ടാക്കണം.

ഫാക്ടറിയിലെ ആളുകളെസംബന്ധിച്ചു നിയമം ഉണ്ടാക്കുന്നതിനു പുറമെ കൃഷിക്കാരായ കൂലിവേലക്കാരുടെ രീതിയെസംബന്ധിച്ചു ഈ രാജ്യത്തിനു പറ്റിയ ഒരു നിയമം ഉണ്ടാക്കേണ്ടതും അത്യന്താപേക്ഷിതമാണു്. അതു ഫാക്ടറിവ്യവസ്ഥപോലെ ഇരിക്കുകയില്ല. ഇതിനു പറ്റിയ ഒരു വ്യവസ്ഥ ഉണ്ടാക്കുകയാണെങ്കിൽ ഈ നാട്ടിലെ അധ:കൃതക്കും പട്ടിണിക്കാരായ മറ്റുകൂലിവേലക്കാക്കും വളരെ പ്രയോജനകരമായിത്തീരുന്നതാണു്. ഇപ്പോൾ അവതരിപ്പിച്ചിരിക്കുന്ന ബില്ലിനെപ്പറ്റി സമർത്ഥന്മാർ അടങ്ങിയ ഒരു സെലക്ടുകമ്മറ്റിയിൽ ആലോചിച്ചു് വേണ്ടവിധത്തിൽ അന്വേഷണം നടത്തി ഇതിനെ പാസ്സാക്കണമെന്നുള്ള അഭിപ്രായത്തെ പ്രസ്താവിച്ചുകൊണ്ടു് ഈ ബില്ലിനെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. J. W. TOLSON (*Planters*): Sir, it has been said on the floor of this House this afternoon that we English-foreigners—are living in Travancore to exploit the labour. I may emphatically deny that fact. It is not true.

DEPUTY PRESIDENT: Just a word. I don't think that anybody said that. I did not hear it.

MR. J. W. TOLSON (*Planters*): I heard.

DEPUTY PRESIDENT: I did not hear it said. On the other hand, what they have been mentioning was that factories owned by Europeans are in a better condition than those of the natives.

MR. J. W. TOLSON (*Planters*): I am sorry. It was distinct when it was said on this side of the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Will the member specify the name of the member who said it.

MR. J. W. TOLSON (*Planters*): I consider that our factories will bear comparison with any other factories in India. The work in our factories is carried out on well-defined lines and we have always taken care of and shown consideration for the labour which is employed by us. The debate in this House today appears to have been more about wages or the labour than about the Factories Bill. Under the Factories Bill, provision is made for the hours of work and the conditions under which abour will be allowed to work and not with their pay, and it is these

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conditions which the House has to deal with in this Bill. Capitalists will have no difficulty in carrying out the requirements of this Bill as they already do. I would recommend to the House to consider this Bill and go into its details from the point of view of the small individual who will be very greatly affected.

MR. JAMES SIMPSON (*Darbar Physician*) : Can the member say whether or not any European capitalist in the State could be affected by this Bill and whether it would necessitate any European to spend money for changing his factory here ?

MR. J. W. TOLSON (*Planters*) : I think the majority would not be affected. But I cannot give a definite answer.

I would appeal to the House to consider this as a Factory Bill and not as a Wages Bill. Government, under this Bill, insist upon certain conditions under which work is to be carried out. I trust that this House will consider the Bill from that point of view and I have very great pleasure in supporting it as I consider it will only go to improve the good conditions under which we work labour.

DEPUTY PRESIDENT : The House will now adjourn to meet again to-morrow at 11 o' clock as usual.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I request the President to consider——

DEPUTY PRESIDENT : I have already said that the House will now adjourn. So nothing can be considered now.

The House adjourned at 5 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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